

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ANTHONY DERUBEIS  
AND  
MACLYN BURNS

Plaintiffs

v.

WITTEN TECHNOLOGIES, INC.

Defendants

CIVIL ACTION NO. 04 11137 RWZ

**SECOND AND FINAL JOINT MOTION TO EXTEND DISCOVERY FOR THIRTY DAYS**

NOW COME the above-captioned parties, by and through counsel, and hereby move this Honorable Court to extend the discovery period for thirty days, from March 2006 to April 2006. In support of this Motion, the parties state as follows:

1. On several occasions Defendant's depositions of the Plaintiffs, Anthony DeRubeis and Maclyn Burns, have been continued at the request of Plaintiffs' counsel.
2. Plaintiffs' counsel's need to postpone these depositions have been based solely on his obligation to appear for trial in a case pending in Middlesex Superior Court entitled "Bovelli v. Burke" docket under Civil Action 03-1940 (the "State matter").
3. The State matter has been scheduled and re-scheduled for trial approximately four times over the last five months, including being moved from December 12, 2005 to January 9, 2006.
4. At a time when Plaintiffs' counsel believed the State matter would proceed on December 12, 2005, he agreed to deposition dates for the plaintiffs on January 5 and 6, 2006.
5. Thereafter, the State matter was re-scheduled to January 9, 2006 and just recently the parties in the State matter were notified to appear for pre-trial motions on January 4, 2006 and informed that the State matter would proceed to trial on January 9, 2005.

6. As such, Plaintiffs counsel can not travel to Atlanta on January 5 and 6, 2006 to attend his clients' depositions.
7. In order to accommodate plaintiffs' counsel's schedule, Defendants have agreed to postpone the depositions of Messrs. Burns and DeRubeis until January 19 and 20, 2006, and in return Defendants have requested that the time period in which to take discovery be extended 30 days (a request to which the plaintiffs assent).
8. Neither party shall be prejudiced by this proposed thirty day extension and each party expects this to be the last time a request such as this is made.

WHEREFORE, the parties move this Honorable Court to extend the time in which to complete discovery by thirty days from March 2006 to April 2006.

The Plaintiffs,  
By their Attorney,

/s/ Daniel M. Rabinovitz  
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The Defendants,  
By their Attorney,

/s/ Erin L.G. Lewis  
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*Local Counsel*

**CERTIFICATE OF SERVICE**

I, Daniel M. Rabinovitz, hereby certify that on this 30th day of December 2005, I caused a copy of this Joint Motion to Extend Discovery for Thirty Days to be served by facsimile to Erin Lewis Esq. and filed electronically on December 30, 2005.

/s/ Daniel M. Rabinovitz